

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
OCTOBER 19, 1960

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 p.m. of Wednesday, October 19, 1960. Councilmen Brown, Katzakian, Mitchell, Ullmann and Culbertson (Mayor) present; none absent.

Also Present: City Manager Graves, Administrative Assistant Carlton, City Attorney Mullen and Planning Director Rodgers.

MINUTES: Minutes of October 5, 1960 were approved as written and mailed on motion of Councilman Katzakian, Brown second.

PUBLIC HEARINGS

HARRISON  
REZONING TO  
C-1

ORD. NO. 683  
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Culbertson called for public hearing on the appeal of Mr. Paul Harrison, et al, from the decision of the Planning Commission in denying their request for rezoning of 2.76 acres on the west side of Ham Lane between Lodi Avenue and Walnut Street from the R-1 single family residential zone to the C-1 neighborhood commercial zone. City Manager Graves read the report from the Planning Commission which denied the request for rezoning for the following reasons:

1. The Commission feels that commercial zoning and development of this one corner will lead to immediate requests for commercial zoning of the other three corners of the intersection. These corners are similarly situated and it would be difficult then to deny such requests.

2. Commercial development at this intersection would encourage the strip commercial development along West Lodi Avenue to the detriment of the nearby homes and with a substantial reduction of the traffic capacity of this major street.

3. The location does not meet the standards established by the Planning Commission policy on neighborhood shopping centers since it is within one-half mile of similar existing facilities.

4. Commercial development in this area would adversely affect the high school since it would tend to draw additional students from the school lunch facilities.

5. The Commission feels that the shopping center should be located further away from similar establishments and closer to the potential area it would serve.

The City Manager then read the appeal of the property owners which stated that:

1. The proposed land use is compatible with the shopping center policy adopted by the Planning Commission in 1955.

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2. There are not adequate facilities of the type proposed to serve the growing area to the west and to the south.

3. The proposed development would not create more of a student control problem for the high school than is already present due to the Sunset and Sell-Rite developments.

4. The shopping center is being designed to be compatibly placed in a residential neighborhood.

5. There is no other available land which can be developed into a neighborhood shopping center located centrally in the west part of Lodi.

Mayor Culbertson invited those in favor of the rezoning to be heard. Mr. Lindsay Marshall, representing the appellants, stated:

1. The Planning Department had recommended the rezoning under certain conditions which would benefit the surrounding area.

2. A shopping center at this location would eliminate strip zoning along West Lodi Avenue as it would be adequate to serve the area.

3. There were no alternate sites which were centrally located to serve the people in this area.

4. It would not affect the high school since the students leave the school grounds in any case.

5. It would not be detrimental to the residential area as the shopping center is attractively planned.

Mr. Marshall also stated that having shops on all corners of the Lodi-Ham intersection would not be feasible, but that the proposed shopping center would be ample for shops and parking and would adequately serve the needs of the area. Mr. Irvin Bender, 1707 West Locust Street, stated his views had been summed up by Mr. Marshall and added that the Planning Commission had rejected the original proposal for a super market and now did not want to change their minds. Mr. Robert Houston, one of the developers, stated that the shopping center at this location would be good land use, would be convenient and attractive and fits the Master Plan. Mr. Irving Baker, 344 La Vida Drive, said the shopping center would enhance his nearby subdivision. The following people also spoke in behalf of the rezoning: Mr. Paul Harrison, 1301 W. Lodi Avenue; Mr. Ed Ehrhardt, 211 S. Ham Lane; Mrs. Alfred H. Perry, 215 S. Ham Lane; Mr. Emil Klapstein, 106 S. Fairmont Avenue; and Mr. Schwemmer, 1214 W. Lodi Avenue. Letters favoring the rezoning were also received from the following people: Mrs. Zoeta Hauser,

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130 S. Ham Lane; Mrs. Cora B. Cheatham, 713 S. Fairmont; Mrs. Frankie B. Mullen, 142 S. Sunset Drive; Mrs. Mary Teierle, 1215 W. Lodi Avenue; Ed and Martha Frerk, 1519 Holly Drive; and Mr. and Mrs. Philip Dorheim, Ham Lane and Gerard Drive.

The Mayor then asked to hear from those against the rezoning. Mr. Robert H. Rinn, 820 West Walnut Street, stated that:

1. The reasons of the Planning Commission for denying the rezoning were fundamentally sound.

2. The property in question is not large enough for a shopping center.

3. It will open the way for other commercial development in this area which will be detrimental to the residential area.

4. There is no present need for a shopping center in the area and if there were, there is commercial property available south of Lodi Avenue.

Mr. Howard Blewett, 1344 W. Lodi Avenue, concurred with Mr. Rinn. Mrs. Albert Dehr, 32 South Ham Lane, stated she had heard plans were being made for a shopping center south of Lodi Avenue so no need for one at this site; Mr. Albert Dehr said there is no need for a shopping center at this site as he is already within walking distance of two shopping areas and it is unfair to new residents in the area to change the residential character of the area, increasing the traffic, etc. Letters against the rezoning were also received from Mr. Oliver Lee, 220 South Ham Lane, and Dr. Fredrick J. Lieb, 216 South Ham Lane.

All those in the audience desiring to speak having been heard, Mayor Culbertson stated that the Planning Commission had adopted a policy on neighborhood shopping centers in 1955 and that the proposed shopping center complied with the requirements of the policy, being within the size required and also at least one-half mile from other shopping centers. Councilman Katzakian said that he did not favor the rezoning, that if this property were rezoned the other three corners would be committed also and that it would lead to additional strip zoning. Councilman Mitchell stated he agreed with the statements made by Mr. Marshall endorsing the rezoning. Councilman Brown said he could see nothing wrong with a shopping center at this location. Mayor Culbertson stated that the present policy on neighborhood shopping centers should be reviewed, but that the proposed shopping center met present requirements and even if the Council decided to approve rezoning this property, it did not follow that the Council should approve rezoning the other corners of Ham and Lodi Avenue. Councilman Katzakian

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stated that the other three corners would not build residential and that a regional shopping center would be better than small shopping centers. City Manager Graves stated that the present policy needed clarification particularly in regard to strip zoning. He stated an area of identical size already zoned C-1 was available for commercial development at the southeast corner of Lodi Avenue and Fairmont, well within the 1/4 mile radius of the presently proposed site. Mayor Culbertson said that facilities do not exist there and that the Sunset Market would not qualify as a shopping center. Councilman Mitchell moved the adoption of Ordinance No. 683 rezoning the property on the west side of Ham Lane between Lodi Avenue and Walnut Street from R-1 single family residential to the C-1 neighborhood commercial zone, with the understanding that the property would be developed in accordance with the plans presented to the Planning Commission. The motion was seconded by the Mayor. Mr. Rinn reiterated that there was no need for a shopping center in this area. The City Manager stated that it should be developed in an enlightened manner or the City would have more strip zoning. Mayor Culbertson felt that a shopping center at this location would terminate strip zoning along Lodi Avenue. The motion passed by the following vote:

Ayes: Councilmen - Brown, Mitchell,  
Ullman and Culbertson

Noes: Councilmen - Katzakian

Councilman Katzakian then moved that the Planning Commission study the shopping center policy including corners and strip zoning. Motion seconded by Councilman Mitchell and carried.

#### PLANNING COMMISSION

The City Manager reported the following actions of the Planning Commission:

1. Approved the request of Mr. Robert Litfin for a use permit to operate a miniature golf course at 1445 South Cherokee Lane in the C-2 commercial zone.

2. Denied the request of Mrs. Lillian Jensen for a variance to relocate a nonconforming dwelling on her property at 1207 South School Street in the R-2 residential zone.

3. Approved the request of Mr. Albert Dais for a use permit to operate a temporary real estate tract sales office at 1731 West Lodi Avenue in the R-2 residential zone.

4. Denied the request of Mr. Howard Costa for a variance to erect a six foot fence in the street side yard of his property at 301 North Crescent Avenue in the R-2 residential zone.

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5. Recommended approval of a County use permit for the Signal Oil and Gas Company to operate a service station at the southeast corner of Kettleman Lane and Lower Sacramento Road in the PA-1 zone.

## COMMUNICATIONS

THANKS FROM STOCKTON Letter from Mayor Thomas E. Marnoch of Stockton thanking the City Council for its support in bringing the California Youth Authority facility to the Stockton area. Mayor Culbertson thanked Councilman Katzakian for the work he had done in this regard.

PARKVIEW PAVING A petition from property owners along Parkview Avenue asking that the paving be completed on the north end of Parkview Avenue to Turner Road. The petition was referred to the City Manager.

COSTA APPEAL RE FENCE Appeal from Howard C. Costa from the decision of the City Planning Commission which denied his request for a variance to permit the erection of a six-foot fence in the street side yard along the south property line at 301 North Crescent Avenue. The matter was set for public hearing at the meeting of November 2, 1960 on motion of Councilman Katzakian, Mitchell second.

ABC LICENSE Notice of Application for Transfer of Alcoholic Beverage License, On Sale Beer and Wine, Audrey E. Nunes, Tony Nunes and Charlotte Petty, Club 15, 15 N. Sacramento Street.

## REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$58,383.49 were approved on motion of Councilman Brown, Ullmann second.

SPECS - COPPER WIRE Specifications for approximately 6,579 feet of copper wire were approved and call for bids authorized on motion of Councilman Katzakian, Brown second.

AWARD - CONCRETE PIPE The City Manager submitted a tabulation of bids on concrete pipe totalled as follows:

RES. NO. 2368	J.W. Mumbert Concrete Pipe Co.	\$ 4,023.20
ADOPTED	Spiekerman Concrete Pipe Co.	\$ 4,048.70

On recommendation of the City Manager, the City Council awarded the contract for concrete pipe to the low bidder, J.W. Mumbert Concrete Pipe Company, by adoption of Resolution No. 2368 on motion of Councilman Brown, Mitchell second.

NO PARKING N SIDE OF LOCKEFORD AT PLEASANT The City Manager then presented a memorandum and sketch from the Department of Public Works which recommends that a no parking zone be established on the north side of Lockeford Street for 80 feet immediately east of Pleasant Avenue. The Southern Pacific Company has requested that parking be denied in this area as there is not enough room for trains to pass

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RES. NO. 2369 when cars are parked there. On motion of  
ADOPTED Councilman Mitchell, Katzakian second, the  
Council adopted Resolution No. 2369 establishing  
the no parking zone as recommended.

TURNER ROAD  
INTERCHANGE

In regard to the question of a four-lane overpass at the Turner Road Interchange, Mr. Graves stated that he had discussed the interchange with representatives of the State Division of Highways and had been informed that the State considers overpasses as part of its system and when widening of such structures has become necessary, it has been done at State expense so that the City need not become concerned about its being done at the present time. A letter to this effect has been received from Mr. Meyers, District Engineer. However, the Planning Commission recommended that direct access be made off of the freeway from the north onto Turner Road instead of as designed with the traffic going under Turner Road and then circling back to a stop sign at Turner Road where westbound traffic would be required to make a left-hand turn across eastbound Turner Road traffic. Mr. Bruno Dentino and Mr. Lewis Kreck were present from the State Division of Highways to explain the State's design for the interchange. Mr. Dentino stated that the design for traffic from the North into Turner Road had proven satisfactory in other parts of the State and will easily handle more traffic than their estimates for Turner Road indicate. In order to have direct access to Turner Road from the north, the State would need to widen the bridge at the Mokelumne River; it would be an expensive project which the State feels is not warranted for the amount of traffic using Turner Road. Mr. Emil Bender and Mr. Ben Bechthold expressed their dislike of the present design, pointing out the danger to traffic with heavy trucks turning into Turner Road particularly during the grape season. Councilman Katzakian stated that Turner Road had been Master Planned as a major street carrying traffic into Lodi and that the Turner Road Underpass was designed to expedite the flow of a large volume of traffic. The Council was in agreement with the contention of the Planning Commission that the design by the State would present traffic difficulties and would give preference to the Cherokee Lane, Lockeford Street, Pine Street pattern of entering the City rather than the Turner Road, Stockton Street, Church Street pattern which is the more desirable. Mr. Dentino said the State would probably be willing to buy the land necessary to provide direct access to Turner Road from the north in the event future traffic would warrant it. He also stated that a two weeks delay in approving the plans would not hold up the project and that it was important to have a design that was acceptable to the City as well as the State. Councilman Katzakian moved that the revised design of the Turner Road Interchange be approved with the exception of the

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off-ramp from the north and that the State be advised by letter of the City's reasons for desiring direct access from the north into Turner Road and requesting the State to consider revising the plan in this respect. The motion was seconded by Councilman Mitchell and carried.

POLLUTION  
CONTROL AT  
WHITE SLOUGH

Mr. Graves gave a report on the steps being taken to control water pollution at the 303-acre industrial wastes site and stated the cost of this project would be approximately \$4,500. On motion of Councilman Brown, Ullmann second, the Council approved the program of the Department of Public Works to prevent contamination of White Slough and authorized the expenditure of \$4,500 from the Contingent Fund for this purpose.

EQUIP. MAINT-  
MAN RECLASSI-  
FIED & SALARY  
INCREASED

RES. NO. 2370  
ADOPTED

ORD. NO. 684  
INTRODUCED

The City Manager stated that a survey of the Equipment Maintenance Man classification had been conducted by the State Personnel Board which recommended that the job be reclassified to conform with the work being done and that this classification be raised one step in the pay scale. On motion of Councilman Brown, Katzakian second, the Council adopted the revised specifications for Equipment Maintenance Man by passage of Resolution No. 2370. The Council then introduced Ordinance No. 684 establishing the wage scale for Equipment Maintenance Man at \$376-395-415-436-458 effective October 1, 1960 on motion of Councilman Brown, Katzakian second.

WINE GROWERS  
GUILD STANDBY  
WATER SERVICE

Mr. Graves reported that the Superintendent of Utilities had been contacted by the Wine Growers Guild which was requesting that a change be made in the City's services to the Guild for standby water in order to provide additional fire protection for all of the Guild's buildings. The additional service will require that the gate valve remain open which will make it necessary for the Guild to increase their water pressure to a level greater than the City's. However, if the pressure in the Guild system should drop below the City's, the City water would enter the Guild system. The Superintendent of Utilities recommends that in the event the Council approves the request for additional service, a compound meter be installed, at the expense of the Wine Growers Guild, in order to have a record of which way the water is flowing. The City Manager explained that granting the additional service would be a revision in policy and he feels that a letter should be obtained from the Guild stating it would not object to annexation by the City. Mr. Charles Welch, Assistant General Manager of Wine Growers Guild, stated that he could not speak on behalf of the Guild's Board of Directors, but he felt that they would be willing to annexation when desired by the City. He also stated that the use of the water was covered in the present agreement and that their water pressure would be stepped up so

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that City water would be used only on a stand-by basis. Councilman Brown moved that the request of Wine Growers Guild be approved and that the City Manager, the Superintendent of Utilities and the Wine Growers Guild work out a satisfactory amendment to the present agreement to provide for the additional service. The motion was seconded by Councilman Mitchell and passed unanimously.

QUITCLAIM  
EASEMENT IN  
FRONTAGE RD.  
RIGHT OF WAY

The State Division of Highways has requested that the City quitclaim a 5-foot easement in property which has recently been deeded to the State by Mr. W.G. Micke for the frontage road and storm drainage area. Councilman Mitchell moved that the Mayor and City Clerk be authorized to execute a quitclaim deed to the State for the 5-foot easement across the Micke property. Motion was seconded by Councilman Katzakian and carried.

REZONE 300 BLK.  
S. ORANGE TO  
R-4

ORD. NO. 675  
ADOPTED

ORDINANCE NO. 675, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY EAST OF THE 300 BLOCK OF ORANGE AVENUE TO BE IN THE R-4 MULTIPLE FAMILY-INSTITUTIONAL RESIDENTIAL ZONE," having been introduced at the regular meeting of May 18, 1960, was brought up for passage on motion of Councilman Mitchell, Ullmann second, a deed for street right of way and letter agreement for improvement thereof at the property-owner's expense having been received from the property owner. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Brown, Katzakian, Mitchell, Ullmann and Culbertson

NOES: Councilmen - None

ABSENT: Councilmen - None


DIRECTING  
CONDEMNATION  
GRAFFIGNA  
PROPERTY

RES. NO. 2367  
ADOPTED

Condemnation of the Graffigna property, required in connection with the City's future storm drainage ditch to be placed between the proposed freeway and frontage road in accordance with an agreement with the State, having been authorized by the Council at its meeting of October 5, 1960, City Attorney Mullen read in full proposed Resolution No. 2367 authorizing and directing condemnation of said property. On motion of Councilman Katzakian, Brown second, the City Council adopted Resolution No. 2367 by unanimous vote.

Mr. Loren Cromwell, President of the Lodi City Employees Association extended an invitation to the Council and City Manager to attend a regional meeting of the California City Employees Association on November 19, 7:30 p.m., El Charro.

Council then adjourned on motion of Councilman Katzakian.

  
ATTEST: BEATRICE GARIBALDI  
City Clerk